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COMMENT:

FACSIMILE COVER SHEET

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Date: September 15, 2006

To: Commissioner for Patents
Patent and Trademark Office
Mail Stop: Amendment

Fax No.: (571) 273-8300

From: Stephen C. Smith
Fax No.: (312) 321-4299
Tel No.: (312) 222-8124Appln. No.: 10/706,979
Filing Date: November 14, 2003
Patent No.:
Issue Date:
Title: DUAL FLOW CONVECTION OVEN

Attorney Docket No. 12361/223

No. of Pages
(inc. this page): 9Confirmation Copy To Follow: Yes ☐ No ☒IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,
PLEASE CALL 312-321-4200 AND ASK FOR: Sherri McCrainey OR EMAIL smccrainey@usebrinkshofer.com

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Cover Message: Enclosed is an Amendment (6pgs); and Transmittal (in duplicate) for the below listed case:

In re Application of:

Robert L. Smith et al.

Serial No. 10/706,979

Filing Date: April 15, 2005

For DUAL FLOW CONVECTION OVEN

Examiner Carl D. Price

Group Art Unit: 3749

A Professional Corporation
Intellectual Property AttorneysNBC Tower - Suite 3600
455 N. Cityfront Plaza Drive
Chicago, Illinois 60611-5599
Facsimile 312-321-4299
Telephone 312-321-4200Indianapolis, IN
Ann Arbor, MI
Arlington, VA

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 9 pages including attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date:

Date: September 15, 2006 Name: Stephen C. Smith Reg. No. 56,250 Signature: 

**BRINKS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: Robert L. Smith et al.

Appln. No.: 10/706,979

Filed: November 14, 2003

For: DUAL FLOW CONVECTION OVEN

Attorney Docket No: 12361/223

Examiner: Carl D. Price

Art Unit: 3749

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ An Amendment in Response to Final Rejection Under 37 C.F.R. § 1.118;
☒ Facsimile Cover Sheet

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$ for a -month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$ under 37 C.F.R. § 1.17().
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$ is enclosed.
☐ Please charge Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.18 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

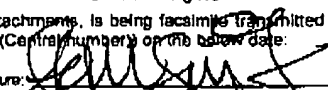
Respectfully submitted,


Stephen C. Smith (Reg. No. 56,250)

Date

9/15/2006

C:\SCS\12361-Middleby Corp\269-ids-transmittal-8-11-06.doc

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 I hereby certify that this correspondence, totaling <u>9</u> pages including attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date: Date: <u>September 15, 2006</u> Name: <u>Stephen C. Smith, Reg. No. 56,250</u> Signature: 	
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BRINKS
HOFER
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: Robert L. Smith et al.

Appln. No.: 10/706,979

Filed: November 14, 2003

For: DUAL FLOW CONVECTION OVEN

Attorney Docket No: 12361/223

Examiner: Carl D. Price

Art Unit: 3749

Mail Stop Amendment
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ An Amendment in Response to Final Rejection Under 37 C.F.R. § 1.116;
☒ Facsimile Cover Sheet

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$ for a -month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$ under 37 C.F.R. § 1.17().
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$ is enclosed.
☐ Please charge Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

9/15/2006
 Date

Respectfully submitted,


 Stephen C. Smith (Reg. No. 56,250)

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I hereby certify that this correspondence is being sent to the
U.S. Patent and Trademark Office via facsimile transmission
to 1-571-273-8300

on

9/15/2006

Date of Deposit

Stephen C. Smith, Reg. No. 56,250

Name of applicant, assignee or
Registered Representative

Signature

9/15/2006

Date of Signature

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Our Case No. 12361/223**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Robert L. Smith et al.

Serial No. 10/706,979

Filing Date: November 14, 2003

For: Dual Flow Convection Oven

Examiner: Carl D. Price

Group Art Unit No. 3749

AMENDMENT IN RESPONSE TO FINAL REJECTION UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the final Office Action dated July 28, 2006, Applicants have timely filed this Amendment. Applicants respectfully request the Examiner to withdraw rejections to this application and to grant allowance of this Application in view of the following remarks and amended claims.